In the High Court of Judicature at Madras

Dated:16.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.431 of 2006

Lakshmi Sivajothi .. Petitioner

vs.

1. Superintendent of Police
   Office of the Superintendent of Police
   Karur District.

2. Deputy Superintendent of Police (Rural)
   Kulithalai Range, Karur District.

3. Inspector of Police
   Kulithalai PS, Kulithalai
   Karur District.

4. Haribabu

5. K.M. Krishnaiyya

6. Inspector of Police
   W.2 All Women Police Station
   Adyar, Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein. directing the respondents 1 to 5 for the cause production of the minor detenus namely 1. Lavanya Rasi aged about 10 years and 2. Prinyanka aged about 8 years under the unlawful and illegal detention of the 5th respondent before this Honble Court and consequently before this Honble court and consequently hand over the custody the minors to the petitioner.

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For petitioner : Mr. S. Xavier Felix

For respondents 1 to 3 & 6 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

Mr. S. Jayavel for R.4 & 5

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

Heard both sides.

2. It is unnecessary to traverse the factual details as stated by the petitioner as well as respondents 4 and 5. It is fairly stated that the petitioner herself has filed appropriate petition seeking relief in respect of her two minor daughters, viz., Lavanya Rasi and Priyanka before the Family Court, Chennai and the petition is yet to be numbered. Likewise, learned counsel appearing for respondents 4 and 5 informs this Court that they also filed Guardian O.P.No.7 of 2006 before District Court, Karur for appropriate relief.

In view of the fact that both the parties have approached the civil Court for appropriate remedy, we are of the view that no further adjudication is required in this petition. It is stated that at present the two minor children are with 5th respondent - K.M. Krishnaiyya. It is made clear that subject to the orders of the competent Court, the guardianship of the minors will be decided.

With the above observation, this petition is closed.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

TO

1. The Superintendent of Police
   Office of the Superintendent
   of Police, Karur District.

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2. The Deputy Superintendent
   of Police (Rural)
   Kulithalai Range,
   Karur District.

3. The Inspector of Police
   Kulithalai PS, Kulithalai
   Karur District.

4. The Inspector of Police
   W.2 All Women Police Station
   Adyar, Chennai.

5. The Public Prosecutor,
High Court Madras

+ one cc to Mr. Xavier Felix, Advocate sr no. 25404
+ 2 cc to Mr. S. Jayavel, Advocate sr no. 25157

AK(CO)
NM(21.06.2006)

H.C.P.No.431 of 2006

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